

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

EMPIRE STATE SUPPLY RETIREMENT	:	
PLAN, on behalf of itself and all others	:	
similarly situated,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	C.A. No. 12-1584 (LPS)
TITANIUM METALS CORP., PRECISION	:	
CASTPARTS CORP., ELIT ACQUISITION	:	JURY TRIAL DEMANDED
SUB CORP., HAROLD C. SIMMONS,	:	
KEITH R. COOGAN, GLENN R.	:	
SIMMONS, BOBBY D. O'BRIEN,	:	
THOMAS P. STAFFORD, STEVEN L.	:	
WATSON, TERRY N. WORRELL, and	:	
PAUL J. ZUCCONI,	:	
	:	
Defendants.	:	

NOTICE OF DISMISSAL WITH PREJUDICE

WHEREAS, on August 13, 2013, the Delaware Court of Chancery entered its Order and Final Judgment in the action styled *In re Titanium Metals Corp. S'holder Litig.*, Consol. C.A. 8029-CS, a true and correct copy of which is attached hereto as Exhibit A, dismissing with prejudice all claims arising out of the same facts and circumstances alleged in the above-captioned action (the "Action"), and upon Notice to the Class, as reflected therein, and upon expiration of the applicable appeal period;

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff Empire State Supply Retirement Plan hereby voluntarily dismisses the Action with prejudice on the grounds of *res judicata* and estoppel by judgment.

Respectfully submitted,

O'KELLY ERNST & BIELLI, LLC

/s/ Ryan M. Ernst

Ryan M. Ernst (No. 4788)
901 N. Market Street, Suite 1000
Wilmington, DE 19801
Telephone: (302) 778-4000
rernst@oeblegal.com

Attorneys for Plaintiff

Dated: November 5, 2013

OF COUNSEL:

Joseph H. Weiss

Mark D. Smilow

WEISS LAW LLP

1500 Broadway, 16th Floor

New York, New York 10036

Phone: (212)682-3025

Fax: (212)682-3015